Message

From: Leo Brausch [lbrausch@consolidated.net]
Sent: 9/19/2013 9:02:24 PM
To: Santos, Carmen [Santos.Carmen@epa.gov]
CC: Robert.Krug@dtsc.ca.gov; Philip.Chandler@dtsc.ca.gov; 'Rieger, Glen E.' [glen.rieger@wspgroup.com]; 'Freudenberger, Rick E.' [rick.freudenberger@wspgroup.com]; 'Rykaczewski, Dave A.' [dave.rykaczewski@wspgroup.com]; 'Cepko, Russ P' [Russ.Cepko@cbs.com]; 'Groy, Jeff' [Jeff.Groy@cbs.com]
Subject: RE: PCBs: USEPA R9 Request for TSCA PCB Notification and Cleanup Plan - Former Westinghouse Facility, Rancho Dominguez, California

Carmen,

I want to provide you an update on the status of the development of the TSCA PCB notification and cleanup plan for the former Westinghouse facility in Rancho Dominguez, California. Since receiving your email of 08/23/13, we have coordinated with the Site owner on the needed plan and solicited the cooperation of both the owner and tenant for Site access. We were then able to complete a thorough Site walk-through/inspection in which we examined the conditions of overhead perch surfaces, upper walls (sheet metal), lower walls (sheet metal and masonry), concrete floor, and sumps.

We have reviewed the interior and exterior PCB data as well, including soil sampling data for the UPRR right-of-way, for inclusion in the notification and cleanup plan.

Using the available data and the findings of the Site inspection, CBS and its consultant, WSP, are in the process of preparing the TSCA PCB notification and cleanup plan. In advance of that submittal, we intend to submit to you an outline that identifies issues raised in your 08/23/13 email for which we believe more discussion and resolution are needed before plan submittal (*e.g.*, congener versus Aroclor analysis of air samples, total PCB cleanup goal for concrete, need for Aroclor 1268 analysis if no Galbestos is present). We plan to send you that outline within the next two weeks.

Given the size and complexity of this task, we respectfully request a 45-day extension of the submittal date indicated in your 08/23/13 email. This 45-day extension would make the TSCA PCB notification and cleanup plan due to EPA Region 9 on November 21, 2013. This revised schedule will provide the time needed to be responsive to your request, as well as allow for owner/tenant input. We look forward to your positive response.

If you have questions at this time, please do not hesitate to contact me. Thanks.

Leo M. Brausch
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From: Santos, Carmen [mailto:Santos.Carmen@epa.gov]
Sent: Friday, August 23, 2013 5:56 PM
To: Leo Brausch
Cc: Robert.Krug@dtsc.ca.gov; Philip.Chandler@dtsc.ca.gov
Subject: PCBs: USEPA R9 Request for TSCA PCB Notification and Cleanup Plan - Former Westinghouse Facility, Rancho Dominguez, California

Dear Mr. Leo Brausch:

This message is a follow up to our conference call on August 14, 2013 regarding the former Westinghouse electrical equipment servicing and repairing facility (Westinghouse) in Rancho Dominguez, California.

As discussed during that call, USEPA Region 9 (USEPA R9) is aware of the Voluntary Cleanup Agreement (VCA) between the California Department of Toxic Substances Control (DTSC) and CBS to remediate contamination at the Westinghouse site. Such contamination include polychlorinated biphenyls (PCBs). While we appreciate the work being conducted under the VCA, the Toxic Substances Control Act (TSCA) regulations for PCBs are not delegated or currently delegable to state and/or local regulatory agencies. In addition, as also

discussed on August 14, 2013, USEPA R9 would request CBS to submit a notification and cleanup plan for PCBs at Westinghouse. Cleanup of PCBs at the Westinghouse site is subject to TSCA's regulatory requirements.

Therefore, this message is requesting that CBS submit the TSCA PCB notification and cleanup plan within 45 days after the date of this message. **Section A** (PCB Notification and Cleanup Plan Addressing Additional Site Characterization) **and Section B** (USEPA R9 Clarifications), **below**, **contain (1) general guidelines to prepare the PCB notification and cleanup plan and (2) clarification on specific items addressed in Section A, respectively. USEPA R9 is requiring that additional site characterization be conducted at Westinghouse and that plans for that work be included in the cleanup plan. Refer to Section B below for additional information.**

We understand that (1) CBS sold the property to Pacific Industrial Partners, LLC and Pacific Equity Partners, LLC, and (2) Southern Counties Express is currently leasing the property from the current owners. We also understand the approximate 2-acre former Westinghouse building is currently in use and that such use includes storage of materials (e.g., aluminum ingots) and office space within the building. As discussed on August 14, 2013, the building is currently contaminated with PCBs based on concrete surface wipes and bulk concrete samples collected by CBS consultants in 2007 from certain locations within the building.

The PCB contamination in the building (interior and exterior) must be cleaned up in accordance with the TSCA use authorization regulations in 40 CFR 761.30(u) (Use of decontaminated materials). That section of the regulations prohibits the use of materials (e.g., building structures) contaminated with PCBs during "manufacture, use, servicing, or because of spills from, or proximity to, PCBs ≥50 ppm, including those not otherwise authorized for use under this part. . ." unless those materials are decontaminated or cleaned up in accordance with 40 CFR 761 Subpart D (for example, 40 CFR 761.61(c)). Based on our understanding, the building is currently in use by tenants. Therefore, the cleanup of PCBs in the building is necessary to prevent a risk of injury to health and/or the environment.

In reference to the adjacent Union Pacific property, where PCBs may be present, USEPA R9 understands that CBS has been experiencing problems in gaining access to characterize the area for PCBs. USEPA R9 requests that CBS make its best effort to get access to the Union Pacific property to determine presence or absence of PCBs. If such effort fails, CBS must provide to USEPA proof of its efforts to obtain access to the Union Pacific property and that information may be used by USEPA R9 in consultation with DTSC to intervene in this matter.

Section A: PCB Notification and Cleanup Plan Addressing Additional Site Characterization

We request that a TSCA PCB notification and cleanup plan be prepared and submitted to USEPA R9 consistent with the requirements in 40 CFR 761.61(c) (risk-based PCB disposal approval application) and 40 CFR 761.61(a)(3) and (a)(5).

The notification must include the certification required in 40 CFR 761.61(a)(3)(i)(E) as well as the language under "Certification" in 40 CFR 761.3. The certification must be signed by both the owner of the property and the cleanup party.

The cleanup plan must include, at a minimum, the information described below and in Section B (USEPA R9 Clarifications):

- All the information described in 40 CFR 761.61(a)(3)(i) and (a)(3)(i)(A) through 761.61(a)(3)(i)(D); and a Sampling and Analysis Plan that at a minimum includes:
    - Data quality objectives (DQOs) for the PCB cleanup;

- Copies of existing laboratory analysis chromatograms for at least 5 soil samples at the site to determine if changes to PCB Aroclor fingerprint are present;
- Proposed cleanup levels for concrete (inside and outside the building);
- A site-specific risk assessment supporting the proposed cleanup levels;
- Additional concrete and soil characterization sampling (associated tables, figures, and maps summarizing and depicting sample identification codes, number, and location must be included);
- Collection of bulk dust samples inside the building (associated tables, maps, and figures summarizing and depicting sample identification codes, location, and number of samples must be included);
- Collection of wipe samples from non-porous surfaces inside the building where dust in sufficient amount to collect a bulk sample is not present (tables, maps, and figures summarizing and depicting sample identification codes, location, and number must be included);
- Number of soil, concrete, and dust samples (bulk) to be analyzed by the laboratory for PCB congeners via USEPA Method 1668C;
- Cleanup confirmation samples for all affected media and materials including tables, maps, and figures summarizing and depicting sample identification codes, number, and location;
- Sampling strategy for all samples to be collected (additional characterization and cleanup confirmation);
- PCB extraction, sample extract cleanup, analysis procedures, and PCB analysis detection limits;
- Method to properly homogenize bulk samples at the laboratory prior to sample extraction;
- Field and laboratory control (QC) samples (e.g., surrogates, matrix spike/matrix spike duplicates, method blanks, laboratory control samples (LCS);
- Laboratory acceptance criteria for all QC samples;
- Indoor air sampling addressing PCBs in vapor and particulates (high volume USEPA Air Method TO-4A) followed by PCB extraction and analysis for both PCB Aroclors (USEPA Method 8082A) and PCB congeners (via USEPA Method 1668C (maps and figures depicting sample identification codes, number, and location must be included);
- Any other information necessary to ensure that SAP implementation will meet the DQOs; and
- Decontamination of moveable equipment to be used during additional characterization and the cleanup, and sampling equipment and tools (refer to 40 CFR 761.79(c)).

- A proposal for additional concrete and soil characterization (associated tables, figures, and maps summarizing and depicting sample identification codes, number, and location must be included);

- If proposing a new and/or seeking approval for an existing cap, provide cap design, describe consistency of existing and/or proposed cap with the cap requirements in 40 CFR 761.61(a)(7), provide in-perpetuity maintenance, repair, and inspection plan for the cap, provide vertical and horizontal extent of PCB contaminated soils beneath proposed and/or existing cap (figures and maps must be included), provide residual PCB concentrations beneath the cap including tables, maps, and figures depicting sample identification codes, location and associated PCB concentration, as well as, survey coordinates for all samples representing PCB residual concentrations beneath the cap;

- Brief preliminary description of matters to be addressed in the restrictive covenant for the property concerning PCBs;

- Schedule to implement and complete all PCB cleanup activities;

- PCB remediation waste transportation and disposal including manifesting of the waste and whether any PCB waste would be store onsite before transportation to an offsite disposal facility permitted to accept the waste;

- Disposal of PCB decontamination fluids and residues consistent with 40 CFR 761.79(g);

- Recordkeeping for decontamination (refer to 40 CFR 761.79(f)); and

- Recordkeeping for PCB cleanup. [USEPA R9 requires a PCB cleanup completion report be submitted and the details of that report can be further discussed during the approval of CBS' PCB cleanup application.]

Section B: USEPA R9 Clarifications

- CBS must conduct additional site characterization and plans for that work must be included in the PCB cleanup plan. Additional characterization must be proposed for the railroad spur area, and possibly, beneath the service pit and steam sump. CBS may continue to use the 0.3 mg/kg total PCBs cleanup level established in the VCA for soils. Any changes to this cleanup level would require additional discussion among USEPA R9, CBS, and DTSC. After review of the cleanup plan, USEPA R9 will determine if additional soil characterization is necessary in other areas within and/or adjacent to Westinghouse.

- Additional characterization for concrete must be conducted. USEPA R9 is establishing a preliminary total PCB cleanup goal for concrete of 0.22 mg/kg pending the results of indoor air monitoring.

- Further, additional site characterization also includes collection of surface wipe samples from non-porous surfaces within the building (but may also include the exterior of the building structure), as well as, bulk dust samples and indoor air samples (both particulate and vapor phases) for total PCBs.

- A potential exists for Galbestos to be present in the former Westinghouse building based on information shared during the conference call. Therefore, the coated corrugated metal should be sampled and analyzed for PCBs. PCB extraction for this material must be conducted via USEPA Method 3540C and analysis of extract via USEPA Method 8082A. Analysis via this method must include Aroclor 1268 (present in Galbestos).

- Characterization samples must be discrete samples that are representative of as-found (in-situ) PCB concentrations.

- Given the age of the releases and potential for PCB Aroclor degradation, USEPA R9 is likely to require that selected samples of PCB impacted media such as soil (excluding indoor air) or materials such as concrete be analyzed for PCB congeners. USEPA R9 is likely to require that **all indoor air samples** (both vapor and particulate phases) be analyzed for PCB congeners (Method 1668C) and PCB Aroclors (Method 8082A or latest revision).

- 40 CFR 761.292 establishes that either the Soxhlet (Method 3540C is latest revision) or Ultrasonic (Method 3550C is latest revision) method be used for sample extraction before analysis via USEPA Method 8082 (Method 8082A is latest revision). However, USEPA R9's preference is that Soxhlet extraction be used for sample extraction. In those situations when USEPA R9 requires that certain site samples be analyzed for PCB congeners in addition to PCB Aroclors, USEPA R9 requires that samples undergoing PCB Aroclor analysis using Method 8082A be extracted via the Soxhlet method. Method 1668C includes sample extraction via the Soxhlet method.

- PCB Extraction methods different from those required in the TSCA PCB regulations may be proposed consistent with the requirements in 40 CFR 761 Subpart Q. Site-specific samples must be used for the Subpart Q laboratory validation study for non-TSCA extraction and/or analysis methods.

- CBS may include as part of the PCB cleanup plan documents submitted to DTSC that may be responsive to certain informational requirements for the cleanup plan. Such information must be properly identified and cross referenced to the PCB cleanup plan informational requirements. Please note that we have requested additional site characterization be proposed in the cleanup plan for USEPA R9 approval based only on information obtained during conference calls with CBS's consultants and DTSC.

- The transporter of PCB waste generated at Westinghouse must complete and submit to USEPA Headquarters a "Notification of PCB Activity" (USEPA Form 7710-53) consistent with 40 CFR 761.205 (a section in Subpart K). Manifesting of PCB remediation waste and / or other PCB containing wastes generated at Westinghouse and any recordkeeping associated with waste disposal must comply with all other applicable requirements in 40 CFR 761 Subpart K. In addition, the cleanup plan must describe if PCB remediation wastes or other PCB wastes generated at the site will be stored at Westinghouse, concentration of PCBs in the waste to be stored, method of storage, and length of onsite PCB waste storage prior to disposal.

Thank you for your courtesies. Please call me at 415.972.3360 if you have any questions concerning our request to CBS for a TSCA PCB notification and cleanup plan consistent with 40 CFR 761.61(c) and other applicable and relevant TSCA regulatory requirements.

Sincerely,

Carmen D. Santos
PCB Coordinator
USEPA Region 9 (WST-5)
Waste Management Division
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"Think left and think right and think low and think high. Oh, the thinks you can think up if only you try!" Dr. Seuss

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Before printing this message and/or attachments, think if it is necessary. Think Green.
